

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
May 13, 2021

Matthew L. Johnson (6004)
Russell G. Gubler (10889)
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*Counsel for Debtor/Defendant/Counter-Claimant
Andrew Bunker Platt*

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In Re:

ANDREW B PLATT and RUTH ANN
PLATT,

Debtors.

WOODS & ERICKSON, LLP, a Nevada
limited liability partnership, d/b/a WOODS
ERICKSON & WHITAKER, LLP,

Plaintiff,

vs.

ANDREW B. PLATT, an individual.

Defendant.

) Case No.: 19-17282-btb
) Chapter 7

) Adversary Proceeding: 19-01125-btb

) Hearing Date: April 1, 2021
) Hearing Time: 10:00 AM

**ORDER GRANTING IN PART AND DENYING IN PART AMENDED MOTION FOR
SUMMARY JUDGMENT**

The *Amended Motion for Summary Judgment* [Doc 25] (the “Motion”) filed by Debtor/Defendant, Andrew B. Platt, having been heard by this Court on April 1, 2021, the Court having reviewed and considered the Motion and related pleadings, and due notice of the Motion and hearing of the motion having been given to all parties entitled thereto, and having heard the argument of counsel at the hearing on the Motion, at which time all parties in interest were afforded an opportunity to be heard, and for the reasons stated orally and recorded in open court that shall constitute the decision of the Court pursuant to Rule 7052 of the Federal Rules of Civil Bankruptcy Procedure, and good cause appearing, it is hereby:

ORDERED that the Motion is **GRANTED** as to the claims brought under 11 U.S.C. § 523(a)(2)(A), and Summary Judgment is entered against Plaintiff and in favor of Defendant as to those claims;

IT IS FURTHER ORDERED that any claims asserted under 11 U.S.C. § 523(a)(6) are not allowed as they were not properly nor timely plead in the Plaintiff’s Complaint; this decision is without prejudice as to Plaintiff’s pending Motion to Amend;

IT IS FURTHER ORDERED that the motion is denied with respect to those claims brought under 11 USC § 523(a)(4), as genuine issues of fact remain.

IT IS SO ORDERED.

Respectfully Submitted by:
JOHNSON & GUBLER, P.C.

/s/ Matthew L. Johnson

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Local Rule 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

[X] I have delivered a copy of this proposed order to all counsel who appeared at the hearing and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Approved / Denied / Failed to Respond
Nathan Henderson
NHenderson@Gerrard-Cox.com

Respectfully Submitted by:
JOHNSON & GUBLER, P.C.

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Signed by
GERRARD COX LARSEN

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